

REMARKS

Claims 16-29 and 31-32 are rejected under 35 U.S.C. §102(b) as being anticipated by German patent No. DE 3517114 (hereinafter Becker). Reconsideration of the rejections and allowance of all the claims in view of the foregoing amendments and the following remarks is respectfully requested.

Claim 18 is presently canceled. Thus, claims 16-17, 19-29 and 31-32 are pending.

MPEP §2131 provides that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. The identical invention must be shown in as complete detail as contained in the claim. The elements must be arranged as required by the claim.

Claim 16 is directed to a method for non-destructive testing of a component including a base body made up of a base material. As amended, claim 16 in part recites subjecting the component to additional frequency signals continuously from the first frequency to the second frequency, wherein the subjecting of the component to said additional frequency signals comprises performing a frequency scan from the first frequency to the second frequency. Applicant notes that the foregoing structural and/or operational relationships essentially correspond to the recitations of cancelled claim 18.

Applicant respectfully notes that Becker nowhere describes or suggests subjecting the component to additional frequency signals continuously from the first frequency to the second frequency by performing a frequency scan from the first frequency to the second frequency. Anticipation under 35 U.S.C. §102 requires that "The identical invention must be shown in as complete detail as contained in the ...claim." (Citations omitted). In view of the foregoing considerations, Becker fails as an anticipatory reference since Becker fails to describe each and every element and/or operational relationship as set forth in the claimed invention. Thus, anticipation under 35 U.S.C. §102 is not supported by the applied reference and the rejection of claim 16 should be withdrawn.

Since dependent claims 17, 19-29 and 31-32 include the structural and/or operational relationships respectively recited in claim 16, it is also respectfully submitted that Becker also fails to anticipate such dependent claims.

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Conclusion


It is respectfully submitted that each of the claims pending in this application recites patentable subject matter and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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